

HOUSE BILL 1437

By Doss

AN ACT to amend Chapter 70 of the Acts of 1907; as amended and rewritten by Chapter 289 of the Private Acts of 1965; Chapter 135 of the Private Acts of 1975; Chapter 44 of the Private Acts of 1987; Chapter 130 of the Private Acts of 2004; and any other acts amendatory thereto, relative to the charter of the Town of Lynnville.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 70 of the Acts of 1907, as amended and rewritten by Chapter 289 of the Private Acts of 1965, and any other acts amendatory thereto, is amended by deleting Article I, Section 1 and substituting instead the following:

Section 1. [Deleted by 2017 Amendment]

SECTION 2. Chapter 70 of the Acts of 1907, as amended and rewritten by Chapter 289 of the Private Acts of 1965, and any other acts amendatory thereto, is amended by deleting Article I, Section 3 and substituting instead the following:

Section 3. Corporate limits. The corporate boundaries of the Town of Lynnville are as contained in prior charters and in annexation ordinances or other lawful annexation schemes, which are recorded and kept in the recorder's office of the Town; said boundaries are herewith reaffirmed. Extensions of the corporate boundaries shall be as provided by future annexation action in accordance with Tennessee Code Annotated.

SECTION 3. Chapter 70 of the Acts of 1907, as amended and rewritten by Chapter 289 of the Private Acts of 1965, and any other acts amendatory thereto, is amended by deleting Article II, Section 1 and substituting instead the following:

Section 1. Qualification of Voters. Every person registered to vote under the laws of the State of Tennessee for officials of Giles County, Tennessee, and the State of Tennessee, shall be entitled to register and vote in all elections of the Town of Lynnville if the person is a resident of the Town of Lynnville, or if a nonresident of the Town, is the owner of real property within the Town for six (6) months next preceding the day of the election.

SECTION 4. Chapter 70 of the Acts of 1907, as amended and rewritten by Chapter 289 of the Private Acts of 1965, and any other acts amendatory thereto, is amended in Article III, Section 1 by adding the following language as a new paragraph:

(27) To have and exercise all lawful powers, which now or hereafter it would be lawful to here specifically enumerate, as fully and effectually as though said powers were specifically enumerated herein.

SECTION 5. Chapter 70 of the Acts of 1907, as amended and rewritten by Chapter 289 of the Private Acts of 1965, and any other acts amendatory thereto, is further amended in Article III by adding the following language as a new section:

Section 2. Powers Not Exclusive. The enumeration of the particular powers in this article is not exclusive, nor restrictive of general words or phrases granting powers, nor shall a grant or failure to grant powers in this article impair the powers granted in any subsequent article or section of this charter; and whether powers, objects or purposes are expressed conjunctively or disjunctively, they shall be construed so as to permit the city to exercise freely any one (1) or more of such powers as to any or more such objects for any one (1) or more such purposes.

SECTION 6. Chapter 70 of the Acts of 1907, as amended and rewritten by Chapter 289 of the Private Acts of 1965, and any other acts amendatory thereto, is amended by deleting Article IV, Section 5 and substituting instead the following:

Section 5. Vice Mayor. An alderman shall be designated as vice mayor by the board of mayor and aldermen at the first regular meeting following the August general

election in even-numbered years. The vice mayor shall preside at meetings in the absence of the mayor and perform all the duties of the mayor during the absence of the mayor.

SECTION 7. Chapter 70 of the Acts of 1907, as amended and rewritten by Chapter 289 of the Private Acts of 1965, and any other acts amendatory thereto, is amended by deleting Article V, Section 2 and substituting instead the following:

Section 2. Meetings.

(a) Regular meetings of the board of mayor and aldermen shall be held once each month, the date, time and place to be fixed by the board. Unless changed by the board, regular meetings shall be held at 7:00 p.m. on the first Thursday in each month.

(b) Special meetings may be held at such times, and on such dates upon the call of the mayor or three (3) aldermen, and in such case written notice shall be given to the mayor, aldermen and recorder, either served personally or left at their usual place of residence, a minimum of seventy-two (72) hours before the meeting. Each call for a special meeting shall set forth the purpose for which such meeting is called and the character of business to be discussed and considered at such meeting.

SECTION 8. Chapter 70 of the Acts of 1907, as amended and rewritten by Chapter 289 of the Private Acts of 1965, Chapter 130 of the Private Acts of 2004, and any other acts amendatory thereto, is amended by deleting Article V, Section 4 and substituting instead the following:

Section 4. Ordinances.

(a) All ordinances shall begin with the clause, "Now therefore be it enacted by the Board of Mayor and Aldermen of the Town of Lynnville, Tennessee."

(b) All ordinances shall be in writing when offered for adoption, and must pass on two (2) readings on two (2) different days in open session to be adopted.

(c) An ordinance may be read by caption or title only, provided that a copy of the proposed ordinance shall have been made available to the board of mayor and aldermen and made available for public inspection in the office of the town recorder at least three (3) days prior to the time and date of the meeting at which the ordinance shall be read for the first time.

(d) It shall not be necessary to copy ordinances in the minutes, but reference to them shall be made in the minutes by subject matter.

(e) After passage, each ordinance shall be authenticated by the mayor or two (2) aldermen.

SECTION 9. Chapter 70 of the Acts of 1907, as amended and rewritten by Chapter 289 of the Private Acts of 1965, and any other acts amendatory thereto, is amended in Article V, Section 5 by deleting the language "authorizing the borrowing of money" in the first sentence.

SECTION 10. Chapter 70 of the Acts of 1907, as amended and rewritten by Chapter 289 of the Private Acts of 1965, and any other acts amendatory thereto, is amended in Article V by adding the following language as a new section:

Section 6. Resolutions.

(a) All resolutions shall begin with the clause, "Now therefore be it resolved by the Board of Mayor and Aldermen of the Town of Lynnville, Tennessee."

(b) All resolutions shall be in writing when offered for adoption, and shall be effective from and after adoption on one (1) reading.

(c) A resolution may be read by caption or title only, provided that a copy of the proposed resolution shall have been made available to the board of mayor and aldermen and made available for public inspection in the office of the town recorder at least three (3) days prior to the time and date of the meeting at which the resolution shall be presented.

SECTION 11. Chapter 70 of the Acts of 1907, as amended and rewritten by Chapter 289 of the Private Acts of 1965, and any other acts amendatory thereto, is amended in Article VI, Section 1 by deleting the language "Unless otherwise provided by ordinance".

SECTION 12. Chapter 70 of the Acts of 1907, as amended and rewritten by Chapter 289 of the Private Acts of 1965, and any other acts amendatory thereto, is amended by deleting Article VI, Section 9 and substituting instead the following:

Section 9. [Deleted by 2017 Amendment]

SECTION 13. Chapter 70 of the Acts of 1907, as amended and rewritten by Chapter 289 of the Private Acts of 1965, Chapter 135 of the Private Acts of 1975, Chapter 44 of the Private Acts of 1987, and any other acts amendatory thereto, is amended in Article VIII by deleting Sections 1-7 in their entirety and substituting instead the following:

Section 1. Duties of Mayor.

(a) The mayor shall:

(1) Be the chief executive officer of the municipality and shall preside at meetings of the board;

(2) Communicate any information needed, and recommend measures the mayor deems expedient to the board;

(3) Make temporary appointments of the town recorder, treasurer, police chief, fire chief, and any department head, and shall report such temporary appointment to the board at its next regular meeting, to which the board may confirm the mayor's temporary appointments, or, at its discretion, make its own appointments;

(4) Countersign checks and drafts drawn upon the treasury by the treasurer and sign all contracts to which the municipality is a party; and

(5) Make appointments to boards and commissions as authorized by law.

(b) Unless otherwise designated by the board by ordinance, the mayor shall perform the following duties:

(1) Hire, supervise, promote, discipline, suspend and discharge all employees in accordance with personnel policies and procedures, if any, adopted by the board, except as otherwise provided in this charter, however, nothing in this charter shall be construed as granting a property interest to employees or department heads in their continued employment;

(2) Act as purchasing agent in the purchase of all materials, supplies and equipment for the proper conduct of the municipality's business; provided, that all purchases shall be made in accordance with policies, practices and procedures established by the board;

(3) Prepare and submit the annual budget; and

(4) Carry out other duties as may be designated by the board.

Section 2. Town Recorder.

(a) A town recorder, who may also be appointed as treasurer, shall be appointed by the board of mayor and aldermen.

(b) The recorder shall be present at all meetings of the board, and keep a full and accurate record of all business transacted by the board, to be preserved in permanent form.

(c) The recorder shall have custody of, and preserve in the recorder's office, the city seal, the public records, original rolls of ordinance, ordinance books, minutes of the board, contracts, bonds, title deeds, certificates and papers, all official indemnity or security bonds, except the recorder's bond, which shall be in the custody of the mayor, and all other bonds, oaths and affirmations and all other records, papers and documents not required by this charter or by ordinance to be deposited elsewhere, and register them by numbers, dates and contents, and keep an accurate and modern index of such material. All such records shall be the property of the municipality.

(d) The recorder shall provide, copy, and, when required by any officer or person, certify copies of records, papers and documents in the recorder's office. Fees for copying and certification shall be charged as established by ordinance.

Section 3. Treasurer.

(a) A treasurer, who may also be appointed as town recorder, shall be appointed by the board of mayor and aldermen.

(b) The treasurer shall collect, receive and receipt for the taxes and all other revenue and bonds of the municipality, and the proceeds of its bond issues, and disburse them.

Section 4. Town Attorney.

(a) A town attorney shall be appointed by the board of mayor and aldermen and shall serve at the will and pleasure of the board. The attorney shall be an attorney-at-law licensed to practice law in the courts of this state, and be in good standing with the disciplinary board of the supreme court of the State of Tennessee.

(b) It shall be the duty of the attorney to direct the management of all litigation in which the town is a party; represent the town in all legal matters and functions and proceedings of whatsoever kind or nature, including the function of prosecuting attorney in the town court; attend all meetings of the board of mayor and aldermen; advise the board, mayor and the several departments of the town as to all legal questions affecting the town's interests; and to approve in writing all contracts, deeds, bonds, ordinances, resolutions and other documents to be signed in the name of, or made by or with the town.

(c) Additional qualifications, if any, and salary shall be fixed by the board of mayor and aldermen.

Section 5. Police Department.

(a) A chief of the police department, and such other members of the police force, may be appointed.

(b) It shall be the duty of the chief of police and members of the police force to preserve order in the town; to protect the inhabitants and property owners therein from violence, crime and all criminal acts; to prevent the commission of crime, violence, violations of the law and of the city ordinances; to perform general police duty; and to execute and return all lawful processes, notices and orders.

Section 6. Fire Department.

(a) A chief of the fire department, and such other members of the fire department, may be appointed.

(b) It shall be the duty of the fire chief and the members thereof to take all proper steps toward fire education, fire prevention, fire suppression and the provision of emergency medical services and rescue services.

(c) While responding to, operating at or returning from an emergency, the fire chief, or any member serving in capacity of fire officer-in-charge, shall have the authority to:

(1) Control and direct the activities at the scene of the emergency;

(2) Order any person or persons to leave any building or place in the vicinity of such scene for the purpose of protecting such person or persons from injury;

(3) Blockade any public highway, street or private right-of-way temporarily while at such scene;

(4) Trespass at any time without liability while at such scene;

(5) Enter any building or premises, including private dwellings, where a fire is in progress, or where there is reasonable cause to believe a fire is in progress, for the purpose of extinguishing the fire;

(6) Enter any building or premises, including private dwellings, near the scene of the fire for the purpose of protecting the building or premises, or for the purpose of extinguishing the fire that is in progress in another building or premises;

(7) Inspect for preplanning all buildings, structures or other places in the municipality, except the interior of a private dwelling, where any

combustible material, including waste paper, rags, shavings, waste, leather, rubber, crates, boxes, barrels, rubbish or other combustible material that is or may become dangerous as a fire menace to such buildings, structures or other places has been allowed to accumulate, or where such chief or the chief's designated representative has reason to believe that such combustible material has accumulated or is likely to accumulate;

(8) Direct, without liability, the removal or destruction of any fence, house, motor vehicle or other thing, if such person deems such action necessary to prevent the further spread of the fire;

(9) Request and be furnished with additional materials or special equipment at the expense of the owner of the property on which the emergency occurs, if deemed necessary to prevent the further spread of the fire or hazardous condition; and

(10) Order the disengagement or decoupling of any convoy, caravan or train of vehicles, craft or railway cars, if deemed necessary in the interest of safety of persons or property.

(d) When responding to an emergency outside the municipality, the department shall, at all times, be subject to the control of the fire chief or designated representative in whose fire district the emergency occurs.

Section 7. Additional Offices and Personnel. The board of mayor and aldermen may provide for such other officers and employees as it deems necessary for the proper administration of the town's affairs, and prescribe their duties.

Section 8. Compensation and benefits. Compensation and benefits of employees shall be as determined by the board of mayor and aldermen.

Section 9. Bonds. The mayor, recorder and treasurer and every employee having duties embracing the receipt, custody, handling or disbursement of money, shall, before entering upon these duties, be covered under an individual or blanket fidelity bond, with some surety company authorized to transact business within the State of Tennessee, in such amounts and in such form as may be prescribed by the board of mayor and aldermen. The cost of fidelity bonds shall be paid by the town.

SECTION 14. Chapter 70 of the Acts of 1907, as amended and rewritten by Chapter 289 of the Private Acts of 1965, and any other acts amendatory thereto, is amended by deleting Article IX, Sections 1-5 and substituting instead the following:

Section 1. Municipal Judge and Court. There shall be a municipal court presided over by a municipal judge appointed by the board of mayor and aldermen. The judge shall serve at the will and pleasure of the board unless a fixed term of office is established by the board. The judge shall be an attorney licensed to practice law in the courts of this state and be in good standing with the disciplinary board of the supreme court of the State of Tennessee. Other qualifications, term of office, if any, and the compensation of the judge shall be as established by the board of mayor and aldermen.

Section 2. Vacancy in Office. In the event the office of municipal judge shall become vacant for any cause, including resignation, removal, death or continuous disability which prevents the judge from discharging the duties of the office, the board of mayor and aldermen shall appoint some qualified person to fill the position. The qualified person appointed shall be vested with the same powers and shall perform the same duties hereby bestowed and imposed upon the presiding officer of said court.

Section 3. Absence from Court. Where the judge finds it necessary to be absent from holding court, the judge may designate in writing, to be filed with the clerk of the court, a name of a special judge to hold court in the judge's place and stead; said person

shall be a person who has the qualifications of municipal judge and the special judge shall take the same oath and have the same authority as the regular municipal judge to hold court for the occasion.

Section 4. Duties and Powers.

(a) The municipal judge shall preside over the municipal court and shall have the power and authority to impose fines and forfeitures; punish by fine violations of town ordinances; preserve and enforce order in the court; enforce collection of all such fines, costs and forfeitures imposed by the court; and to accept and receive good and sufficient security for any fines or forfeitures imposed by the court.

(b) The judge shall have the authority to impose a monetary penalty in an amount not to exceed fifty dollars (\$50.00) for each and every day for violation of a town ordinance.

SECTION 15. Chapter 70 of the Acts of 1907, as amended and rewritten by Chapter 289 of the Private Acts of 1965, and any other acts amendatory thereto, is amended by deleting Article X, Sections 1-5 in their entirety and substituting instead the following:

Section 1. [Deleted by 2017 Amendment]

Section 2. [Deleted by 2017 Amendment]

Section 3. Severability. If any provision of this charter is held invalid, the other provisions of the charter shall not be affected. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected.

Section 4. [Deleted by 2017 Amendment]

Section 5. [Deleted by 2017 Amendment]

SECTION 16. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the Town of Lynnville within ninety (90) days of its signing by the governor of this state. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 17. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 16.